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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/632,466

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Harry Darty

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7590

12/20/2004

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EXAMINER

TWEEL JR, JOHN ALEXANDER


ART UNIT

PAPER NUMBER

2636

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/632,466	Applicant(s) DARTY, HARRY	
	Examiner John A. Tweel, Jr.	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-47 is/are allowed.
- 6) ☒ Claim(s) 1-18 and 48-51 is/are rejected.
- 7) ☒ Claim(s) 52 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 48-50 are rejected under 35 U.S.C. 102(e) as being anticipated by **Cordery et al** [U.S. 6,613,571].

For claim 48, the method of preventing detected hazardous materials within a mail collection point-of-use from contaminating components of mail delivery processes taught by **Cordery** includes the following claimed steps, as noted, 1) the claimed receiving customer-deposited mail is achieved using the mail slot (No. 207) with an opening, 2) the claimed accumulating received mail is achieved using the sampler chamber (No. 210) as well as the inner chamber (No. 214) contained in the enclosure (No. 200), 3) the claimed examining air is achieved using the sensors (Nos. 232, 236, and 237) within the enclosure for airborne hazardous material, 4) the claimed generating a detection signal is achieved using the controller (No. 213) the controls the hazard detection process and hazard notification process, which also 5) indicates the

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detection of hazardous material in conjunction with the communications device (No. 220).

For claim 49, the method of **Cordery** isolates accumulated mail and surrounding air in the enclosure from a non-customer-accessible work area, as the mailbox is designed to be used in a Post Office (Col. 3, Lns. 1-4).

For claim 50, the method of **Cordery** facilitates airflow using the vacuum system (No. 233).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cordery et al** [U.S. 6,613,571] in view of **Bennett** [U.S. 5,023,595] and **Connor** [U.S. 4,363,438].

For claim 1, the mail collection point-of-use taught by **Cordery** includes the following claimed subject matter, as noted, 1) the claimed mail drop unit is met by the mailbox (No. 200) comprising an opening (No. 207) for receiving customer-deposited mail, 2) the claimed enclosure is met by the interior of the mailbox having openings and doors (Nos. 204 and 205) that seals the interior from the outside, 3) the claimed mail receptacle is met by the inner chamber (No. 214) positioned inside the enclosure, the

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inner chamber accumulating received customer-deposited mail, 4) the claimed detector is met by the plural sensors (Nos. 232, 236, and 237) positioned inside the enclosure and generating a detection signal upon detection of airborne hazardous material, and 5) the claimed indicator is read on the specification (Col. 7, Lns. 21-23) that state that a hazard indication is generated upon detection of the hazardous material. However, the indicator is not described as being positioned outside the enclosure. Only a communications device (No. 220) is located inside the enclosure for transmitting a hazard signal via a wired or wireless connection.

Locating indicators outside mailboxes is not new in the prior art. The mail arrival signal system taught by **Bennett** includes a visual and audible alert whenever mail is received inside of a small mailbox. One obvious advantage of this system is that it alerts a user in a remote location without having to check inside the mailbox.

The reference taught by Bennett shows plain evidence that external indicators have been used with mailboxes for some time. A system such as Bennett would have an ideal use with the Cordery reference in that an indication of hazardous material located on the outside of the repository would not require one to open the enclosure and thus expose oneself to the hazardous material. It would have been obvious to include an indicator positioned outside the Cordery enclosure for the purpose of issuing a positive and clear indication of hazardous material that does not require exposure to hazardous material. Also, there is no mention of the mail receptacle and the opening sized to permit removal of the receptacle through the opening.

Mail collecting receptacles have been sized to be accessible through doors for some time. The mailbox taught by **Connor** depicts a mailbag (No. 52) that is accessible through a door of the mail box (No. 10). As seen in Figure 4, the bag may be taken completely out of the box for transport elsewhere. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a mail receptacle sized to fit through a door for the purpose of easy access to mail and easy transport thereof.

For claim 2, the mail collection point-of-use taught by **Cordery** includes the following claimed subject matter, as noted, 1) the claimed mail drop unit is met by the mailbox (No. 200) comprising an opening (No. 207) for receiving customer-deposited mail, 2) the claimed enclosure is met by the interior of the mailbox having openings and doors (Nos. 204 and 205) that seals the interior from the outside, 3) the claimed mail receptacle is met by the inner chamber (No. 214) positioned inside the enclosure, the inner chamber accumulating received customer-deposited mail, 4) the claimed detector is met by the plural sensors (Nos. 232, 236, and 237) positioned inside the enclosure and generating a detection signal upon detection of airborne hazardous material, and 5) the claimed indicator is read on the specification (Col. 7, Lns. 21-23) that state that a hazard indication is generated upon detection of the hazardous material. However, the indicator is not described as being positioned outside the enclosure. Only a communications device (No. 220) is located inside the enclosure for transmitting a hazard signal via a wired or wireless connection.

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The claim is interpreted and rejected for the same reasons and rationale as is mentioned in the rejection of claim 1 above. The reference does not mention the collection box positioned in a first wall; however, the reference is designed to be used in several different mailbox configurations, including a USPS Post Office mail slot, which is commonly positioned in a wall.

For claim 3, the mailbox of **Cordery** is hermetically sealed when the doors are closed (Col. 5, Lns. 7-10).

For claim 4, the **Cordery** reference does not mention the collection box having an opening corresponding in size and shape to the surrounding surfaces of a wall, however, the reference is designed to be used in several different mailbox configurations, including a USPS Post Office mail slot (Col. 3, Lns. 1-4), which have mail slots corresponding to wall surfaces. The reference refers to well known equipment for handling and moving mail pieces such as rollers and belts.

For claim 5, the reference is designed to be used in several different mailbox configurations, including a USPS Post Office mail slot (Col. 3, Lns. 1-4), which has mail slots corresponding to wall surfaces. The reference refers to well known equipment for handling and moving mail pieces such as rollers and belts.

For claim 6, the indicator of **Bennett** is positioned outside of the enclosure. To locate it within a non-customer-accessible work area is considered an obvious variation on the prior art, as the exact location of the indicator does not result in a new or unexpected result.

For claim 7, indicator flags have been used on mailboxes for many years. The inclusion of an indicator on the outside surface of a mailbox is not considered a patentable innovation, as this is a well-known and common indicator location.

For claim 8, the claimed means for increasing the rate at which any airborne hazardous material reaches the detector is met by the vacuum system (No. 233) with associated vacuum tube (No. 231). A means for selectively deactivating the rate-increasing means is not considered a patentable innovation as on-off switches have been used for a myriad of different uses, turning on vacuum systems among them.

For claim 9, the mail collection point-of-use taught by **Cordery** includes a duct (No. 231) through which air is sucked from the testing area.

For claim 10, vacuum systems commonly use fans to such and direct air to operate. The inclusion of a fan or a switch for selective deactivation is not considered a patentable innovation as these are commonly used items used for obvious purposes.

For claims 11 and 12, the mail signal system taught by **Bennett** includes both visual and audible alerting means.

For claim 13, the enclosure taught by **Cordery** comprises a sealed container having front, top, back, and side walls, and the doors (Nos. 204 and 205) are positioned in the back wall.

For claim 14, the mail slot (No. 207) of **Cordery** extends like a flange from the enclosure.

For claim 15, the mail receptacle of **Cordery** is rigid and comprises a bottom and four side walls.

For claim 16, the mailbox taught by **Connor** includes a means (No. 54) for maintaining the top of the mail receptacle in an open position and at a fixed distance below the opening of the mail drop unit, wherein the mail receptacle comprises an expandable and collapsible container (No. 52).

For claim 17, the mailbox taught by **Connor** includes a positioning structure (No. 54) for maintaining the top of the mail receptacle in an open position and at a fixed distance below the opening of the mail drop unit, wherein the mail receptacle comprises an expandable and collapsible container (No. 52).

For claim 18, the mailbag used in **Connor** includes grommets. Brackets and hooks have been used with post office bags for decades and, as such, are not considered a patentable innovation.

5. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Cordery et al** in view of **Bennett**.

For claim 51, the method of **Cordery** includes the claimed subject matter as discussed in the rejection of claim 48 above. However, there is no mention of a visible light source or audible sound indicating the detection of hazardous material.

Locating indicators outside mailboxes is not new in the prior art. The mail arrival signal system taught by **Bennett** includes a visual and audible alert whenever mail is received inside of a small mailbox. One obvious advantage of this system is that it alerts a user in a remote location without having to check inside the mailbox.

The claim is interpreted and rejected for the same reasons and rationale as is mentioned in the rejection of claim 1 above.

6. Claims 19-47 are allowed.

7. Claim 52 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

Means for detecting and indicating the presence of airborne hazardous material is not new in the prior art as noticed in the prior art mentioned above. However, the allowed claims referred to also include some means for maintaining the top of a mail receptacle in an open position and at a fixed distance below the opening of the mail drop unit in conjunction with an additional means for establishing the bottom of the mail receptacle to a first position below the top when empty and lowering the bottom of the receptacle to a second position as a function of the weight of the accumulated mail, this along with the detection and indication means. This combination cannot be found in the prior art in an obvious combination.

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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Haskins [U.S. 2,705,593] teaches a wall-mounted mailbox having two opposite doors.

Vilardi [U.S. 6,592,026] includes a safety mailbox having a securable lid and protective gloves that prevent a user touching hazardous material.

Esakov et al [U.S. 6,742,703] supports a chute connecting to a bag held in a mailbox.

Simpson [U.S. 6,772,939] has a plurality of louvers such that air may flow through the housing.

Webb [U.S. 6,779,714] contains a UV lamp and fan to destroy biological materials.

Felice et al [U.S. 6,789,727] includes a sealing apparatus to seal deposited mail.

Jones et al [U.S. 6,792,795] detects contaminants using agitation.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 571 272 2969. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 571 272 2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAT
11/12/04

A handwritten signature in black ink, appearing to read 'J. Tweel', with a stylized, cursive script.

JOHN TWEEL
PRIMARY EXAMINER